

1891-004 Chancery Causes: Elbert S. Duncan vs. Catharine Duncan  
Lee Co.

Burton, Roop, Ely, Smith, Williams

CA-Divorce

T-Vices



To the Hon H. S. K. Morison, Judge of  
The Circuit Court for the County:

Humbly Complaining your orator  
Albert S. Duncan, would respectfully  
represent unto your Honor, That  
some time in the year 1871 he in-  
termarried with one Catherine Burton  
with whom he lived, happily until  
within the last three or four months,  
when to his great surprise and grief,  
he returned <sup>home</sup> <sup>from his labor</sup> one day about the  
day of 1878, and found that his  
wife had deserted him, and gone away  
with a more handsome man; that  
since she left him, your orator is  
informed and alleges, That since and  
some time before her leaving him,  
she had been guilty of adultery;

So your orator alleges and swears, That  
he, as well as his wife, is now and  
has been for more than a year, prior to  
the institution of this suit, a resident  
of this County and State; That his  
said wife has been guilty of adultery, by  
having sexual intercourse with other  
men than your orator, and that within



the last five years; that her adulterous acts were committed without the consent, procurement or connivance of your orator, and that your orator has not lived with, or in any way condoned her said offense or cohabited with her since he had information of her adulterous acts.

The premises considered, your orator is advised that his cause of complaint is only cognizable in a court of equity; therefore his prayer is that your honor take cognizance of his said wrongs and injuries and grant him a decree, annulling, vacating and setting aside said marriage contract existing between your orator and the said Catherine Duncan, that is, your orator be decreed a divorce a vinculo matrimonii; that the said Catherine Duncan be made a party defendant to this bill of complaint and she be required to fully, completely, and perfectly answer the same on oath. And that such other further and general relief be granted your orator as the nature of his case may demand.



May process issue &c. And  
he will ever pray &c.

E. W. Drimington Jr.



W.S. Duncan

vs. J. Allen Chan

Leathurine Duncan

1891. 2<sup>nd</sup> Jany. Rules Bids

Filed for Sp. Exd. & Dis.

" 1<sup>st</sup> Feb. Rules & Dis. Conf.

" 2<sup>nd</sup> " " Contd.

" 1 " " "

" 2 " " Cause set

for hearing by Jff.

" March Term Decr.

Final.

Divorce granted.

80 to 90

D-



E. S. Duncan Complt-

vs.

Catherine Duncan Deft.

In Cham-

This cause came on again  
this the day of April, 1891  
to be heard upon the bill of the  
complt. and the depositions of  
witnesses. And it appearing to the  
court that process has been duly  
served upon the Deft. 15 days be-  
fore the first day of this term of the  
court, and she ~~still~~ still fails to  
appear, answer or plead, and ~~no~~  
~~consideration of all exhibits and for~~  
reasons appearing to the court <sup>from the depositions</sup> it  
is adjudged, ordered and decreed  
that the bonds of matrimony her-  
etofore existing between said plaintiff  
and defendant, be and are hereby  
dissolved and for ever annulled. It  
is further adjudged, ordered and decreed  
that said defendant be restrained and  
inhibited from again contracting mar-  
riage, and that said plaintiff recover from  
said Deft. his costs in this suit and for  
the collection of which execution may  
issue. And this cause is stricken  
from the docket.



E. S. Duncan

or } decree final

Bathurine Duncan

Entered Chas. O. B.  
page 331. April  
B<sup>d</sup> 7891.

J. A. Wyatte

Enter this  
April 3 1891.

H. S. K. M.



The depositions of John B. Roop,  
Charles T. Roop and John W. Ely  
vs. A. C. Williams taken pursuant to  
the notice hereto attached at  
the Circuit Court Clerk's office  
of Lee County Va. in the town  
of Jonesville on the 13<sup>th</sup> day  
of February 1891, which are  
intended to be read as evidence  
on behalf of the Plaintiff in  
the Chancery Cause now depending  
in Lee Circuit Court of E. S.  
Duncan Plff. vs Catharine  
Duncan -

John B. Roop a witness  
of lawful age being duly  
sworn deposes and says -

I am well acquainted  
with the parties to this suit  
they have lived near  
where I live for some time.

One <sup>a year ago last May</sup> day I was going  
through a thicket hunting  
some sheep, when I came  
upon Mrs Catharine Duncan  
the defendant in this cause  
and a man who I was infor-  
med was one Lafayette Smith.



# Said E. S. Duncan never  
resides and has lived in  
this country for the past several  
years.

Wit. Claim  
50¢

they were at sexual intercourse  
when I first saw them, and  
they jumped up and ran when  
I spoke to them. I never told  
E. S. Duncan the defendant  
in this cause of what I saw  
until recently, since his  
wife has left him. I have  
frequently seen E. S. Duncan  
since his wife left him  
and am certain they have  
not lived together as man  
and wife or been together  
since they parted. #

And further this witness saith not.

J. B. Roof

J. W. M. Ely Jr. an other witness  
being duly sworn deposes  
and says -

I am well acquainted with  
the parties to this suit -  
They once lived on my Father's  
land. I know the fact  
that Catharine Duncan the  
Def't, often committed acts  
of adultery and had sexual  
intercourse with other men



\* not committed by this  
procurement or connivance.  
The Deft & Deft are men and  
have been for several years  
citizens of this County & State.

wit claim  
50<sup>¢</sup> paid

besides her husband, <sup>five years</sup> within the last  
I cannot state whether  
the Deft knew of these acts or  
not - he never saw any such  
acts committed, I never talked  
to or informed the Deft, ~~or any~~  
~~one else~~ of these acts, until  
since his separation with his  
wife, nor did I tell him  
in person, I only spoke of  
it since they separated,  
to other parties. No they were  
not further this witness with  
J. W. M. Ely Jr.

Charles T. Brook an other witness  
of lawful age being duly sworn  
deposes and says -

I know the parties to this  
suit, they have lived near me  
for some time.

I was hunting sheep one  
day with my brother and  
in passing through a thicket  
he came upon the Deft, and  
a man, not her husband, and  
called to me, and I saw them  
get up and run -



I never informed Mr. Duncan of  
what I saw - I frequently  
see Mr. Duncan and am certain  
they have not lived together  
as man & wife since she left  
to Court him.

And further this witness said not  
Charles Roop Charles Roop

The further taking & depositing  
of this case is continued until  
Saturday February 25<sup>th</sup> 1891.

J. H. Spott Rivers

Circuit Court for the District  
of Columbia February 23<sup>rd</sup> 1891.

Not pursuant to a summons  
A. C. Williams a witness  
of lawful age being duly  
sworn deposes and says

I am well acquainted  
with the parties to this suit;  
before they separated, which was  
about the 15<sup>th</sup> December 1890,  
they resided near where I  
live, in the County of Virginia  
about 2 miles N. East of Newmarket  
Va - and they lived in this



Wm - and have lived as such

County and State to my  
own knowledge for the  
past thirty years.

The Plaintiff E. V. Brown  
has made his home and  
place of stopping at my  
house since his separation  
with his said wife, to wit,  
in this cause - and I have  
been with or about him the  
greater portion of the time  
and I can safely state that  
the adulterous acts of his  
wife, were not committed  
by his connivance or procu-  
rement, and that he has  
not lived with his said  
wife as her husband since  
her desertion of him in  
Decr. last.

And further the witness doth not  
A. D. Williams

The foregoing deposition were  
taken before me at the County  
and place mentioned in the  
Caption subscribed hereunto  
before me by the witnesses in and  
before me, Feb. 25 1891 J. H. Williams



1890

*Thalassidroma*



# The Commonwealth of Virginia,

To The Sheriff Of Lee County Greeting:

We Command You to Summon

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in January next, being rule day to answer a bill in Chancery exhibited in our said Court against John A. G. Hyatt by Robert S. Demmon

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This 10 day of January 1891, in the 11<sup>th</sup> year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste



(211-32)

2  
Albert L. Brown

220 <sup>1111</sup> Spring St

Northampton, Mass

10-11-1876

Respectful invitation  
to the

annual meeting of the

10-11-1876

12-11-76

Wm. D. Brown

10-11-1876



To Catherine Bureau

TAKE NOTICE, That I on the 13 day of  
February, 1887, at the Circuit Court Clerk's office  
of Lin County, Mo in the town of  
Jennsville

will proceed to take the deposition of John Ely and others

which, when taken, I intended to be read as evidence on my behalf in a certain suit in Chancery  
now pending in the Circuit Court of Lin County, State of Mo, in which  
I am plaintiff and  
you are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the  
taking thereof will be adjourned from time to time, and from place to place, until completed.

Jan 20th, 1887.

Very Respectfully,

E. S. Bureau



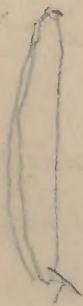
E. S. Duncan

vs } notice

Catherine Duncan

Executed Feb 6<sup>th</sup> 1891  
by delivering a true copy  
of the within to  
Catherine Duncan

W. P. Sprinkle Deput  
for A. B. Muncy  
S & C





# The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

WE COMMAND YOU TO SUMMON John Ely Jr. Morgan  
Haynes, John R. Roof, Charles R.  
Roof, and Nancy Starnes

To appear before the Judge of our Circuit Court of Lee County, at the courthouse on the 13<sup>th</sup>  
day of February 1891 term next to testify and the truth to speak in behalf of  
E. S. Duncan in certain matters of controversy  
pending in our said Court between

E. S. Duncan  
Plaintiff, and  
Callum Duncan

Defendant. And this day shall in no wise  
omit under the penalty of Twenty Dollars. And have then there this writ. Witness, J. A. G. Hyatt,  
Clerk of our said Court at the Courthouse.

This 20<sup>th</sup> day of January 1891, in the 11<sup>th</sup> year of the Commonwealth.

J. A. G. Hyatt Clerk.



E. S. Duncan

vs. Spence with

Catherine Duncan

He the under-  
signed accept

legal service  
of the within

Summons

<sup>her</sup> Nancy + Stuart  
marks

<sup>this</sup> John B. Brook  
mark

Charles Brook

Executed Feb 10<sup>th</sup> 1871

by Sumner George & Co

W. S. Sprinkle & Co

for A. S. Munn

S 9 C